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Art Unit 2851

PU030134
Customer No. 24498

REMARKS

Applicants have reviewed the application in light of the Office Action dated September 15, 2008. Claims 1, 4–15, and 18–26 are pending in the application. Applicants have cancelled claims 2–3 and 16–17 without prejudice and have incorporated their subject matter to claims 1 and 15 respectively. Claims 13 and 14 have been amended to better distinguish applicants' invention from the prior art. No new matter has been added.

Applicants acknowledge the Examiner's willingness to allow claims 6 and 20, conditioned upon being rewritten in independent form and including all limitations from all claims upon which they depend.

35 U.S.C. 102(b) Rejection of Claims 1 and 15

Claims 1 and 15 stand rejected under 35 U.S.C. § 102(b) as being anticipated by European Patent Publication No. 1091573 to Poetsch et al. (hereinafter "Poetsch"). Claim 1 as amended recites, inter alia,

applying one or more of the following statistical processing operations to the stored digital signal to restore at least one characteristic of the audio information:

a) averaging pixel intensities over each scanned line, using each scan line's average pixel intensity to represent the audio amplitude at that line;

b) calculating a standard deviation of each pixel in each line scan, eliminating pixel values that deviate above a user defined threshold, and calculating mean to obtain a noise reduced instantaneous amplitude;

c) creating a look-up-table to correct for data values derived from non-linear areas of film density transfer characteristic;

d) performing statistical and regression analysis of the pixel intensities values to extend beyond non-linear areas of film density transfer characteristic; and

e) performing adaptive filtering to minimize effects of inter-modulation distortion.

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Claim 15 as amended recites analogous language.

The Examiner asserts that the Poetsch reference discloses brightness averaging and adaptive filtering. However, the Poetsch reference does not disclose or suggest averaging pixel intensity as contemplated by the specification. Rather, Poetsch detects pixels with errors and replaces the data associated with such pixels with a local average. *See* Poetsch, ¶ 28. In contrast, applicants claimed invention averages across an entire scan line, and employs that average to represent the audio amplitude at that line. *See* applicants' specification, ¶25. The approach of applicants' invention minimizes the effect of random noise without having to correct individual pixels, thus avoiding the time-consuming approach of Poetsch. In order to clarify this distinction, applicants have amended claims 1 and 15 to include the language "averaging pixel intensities over each scanned line, using each scan line's average pixel intensity to represent the audio amplitude at that line." Poetsch does not disclose or suggest using a scan line's average pixel intensity to represent the audio amplitude at that line, and as a result, does not disclose or suggest the operation of "averaging pixel intensity" as claimed.

Furthermore, contrary to the Examiner's assertion, Poetsch does not disclose or suggest adaptive filtering. Applicants' claimed invention defines adaptive filtering to mean a technique for minimizing the effects of inter-modulation distortion. *See* applicants' specification, ¶73. Inter-modulation distortion results from the light of one section of the track bleeding into a neighboring section, thereby changing the amplitude. Poetsch does not recognize this problem, and as a result provides no solution. Poetsch's use of pre- and post-filtration do nothing to alleviate the problem of inter-modulation distortion, and as a result, cannot be properly considered adaptive filtration. *See* Poetsch, ¶26 and 30. Therefore, Poetsch does not disclose or suggest adaptive filtering.

Beyond the above two techniques, which the Examiner has cited, Poetsch does not perform the steps of: "calculating a standard deviation", "creating a look-up table", or "performing statistical and regression analysis." Poetsch makes no mention of these operations anywhere, and as a result, applicants respectfully assert that Poetsch does not

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disclose or suggest *any* of the statistical processing techniques recited in amended claims 1 and 15.

For at least the above-discussed reasons, Poetsch does not disclose or suggest all of the elements of claims 1 and 15. Thus, claims 1 and 15 patentably distinguish over the art of record and applicants request withdrawal of the 35 U.S.C. 102(b) rejection of these claims.

35 U.S.C. 103(a) Rejection of Claims 4-5. 7-12, 18-19 and 21-26

Claims 4–5, 7–12, 18–19, and 21–26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Poetsch. Because claims 4–5 and 7–12 depend directly or indirectly from claim 1, and claims 18–19 and 21–26 depend directly or indirectly from claim 15, they all contain the limitations of their respective parent claims. In light of the above arguments, applicants maintain that claims 4–5, 7–12, 18–19 and 21–26 are also in condition for allowance.

Furthermore, there are several dependent claims, which recite patentable subject matter apart from that recited in claims 1 and 15. In particular, claim 5 recites "performing a *plurality* of operations," and claim 19 recites analogous language. The Examiner asserts that this feature is obvious in light of Poetsch but, as shown above, Poetsch does not disclose or suggest *any* of these statistical operations, let alone a plurality of them. Therefore, claims 5 and 19 contain patentable subject matter.

Furthermore, claim 11 recites the feature of "azimuth aligning the line scan camera so that equal density values of the soundtrack, when displayed concurrently, appear with substantially equal brightness." Claim 25 recites analogous language. The Examiner asserts that this step is obvious in view of Poetsch, but it is not clear what the Examiner's basis is for thinking so. Even assuming *arguendo* that some form of alignment would be obvious when employing Poetsch's technique, there is nothing in Poetsch to disclose or suggest this particular method of azimuth aligning the line scan camera. Applicants respectfully assert that claims 11 and 25 contain allowable subject matter.

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35 U.S.C. 112 Rejection of Claims 13 and 14

Claims 13 and 14 stand rejected under 35 U.S.C. § 112, second paragraph, for lacking an antecedent basis. In particular, the Examiner asserts that the language "the step of creating a look up table" and "the step of performing adaptive filtering" from claims 13 and 14, respectively, are recited in the alternative in claim 3. Although Applicants believe that these claims are definite and clear, claims 13 and 14 have been amended to read "the *operation* of. . ." instead of "the *step* of. . ." in order to further prosecution. Applicants believe that this amendment addresses the Examiner's §112 rejection, and that claims 13 and 14 are in condition for allowance.
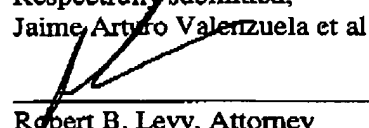
Conclusion

In view of the foregoing amendments to the claims and the accompany remarks, applicants solicit entry of this amendment and allowance of the claims. If the Examiner cannot take such action, the Examiner should contact the applicant's attorney at (609) 734-6820 to arrange for a telephonic interview.

No fees are believed due with regard to this Amendment. Please charge and fee or credit any overpayment to Deposit Account No. **07-0832.**

Respectfully submitted,
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